

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL MOHAMMED LEE,

Plaintiff,

v.

MAJOR ABELLOS, et al.

Defendants.

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CIVIL ACTION

No. 13-0486

ORDER

AND NOW, this 23rd day of August, 2013, upon consideration of the “Motion to Dismiss for Failure to State a Claim” (Doc. 19) filed by Defendants, Frederick Abellos, Gerald May, Louis Girola, John P. Delaney, Lieutenant Henry, the City of Philadelphia, Philadelphia Prison System, and the “Motion to Dismiss for Failure to State a Claim Pursuant to Fed. R. Civ. Pro. Rule 12(b)(6) and Fed. R. Civ. Pro. Rule 8(a)(2)” (Doc. 21) filed by Defendants, Corizon Health, Inc., Richard Hallworth, Rebecca Pinney, Geoff Perselay¹, Mary Silva, Latasha Deer, Dr. Eke Kalu, Brandon DeJulius and Dr. Bruce Blatt, as well as Plaintiff Michael Mohammed Lee’s Response in Opposition to both Motions, it is hereby **ORDERED** that said Motions are **GRANTED**, and Plaintiff’s Complaint is **DISMISSED WITHOUT PREJUDICE**. However, Plaintiff is granted leave to submit a Second Amended Complaint on or before September 23, 2013. Failure to submit a timely Second Amended Complaint that complies with Federal Rule of Civil Procedure 8 will result in the dismissal of Plaintiff’s claims with prejudice.

It is **FURTHER ORDERED** that all claims against Defendant, Philadelphia Prison

¹Plaintiff incorrectly identified Defendant Perselay as “Presley” in the Amended Complaint.

System, are **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE